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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,348	04/15/2005	Johannes Adrianus Overweg	PHDE020224US	1929
38107	7590	05/15/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143			EXAMINER	
			ALI, MOHAMMAD M	
			ART UNIT	PAPER NUMBER
			3744	
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			05/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,348	OVERWEG, JOHANNES ADRIANUS	
	Examiner	Art Unit	
	Mohammad M. Ali	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 April 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-9 is/are allowed.
- 6) Claim(s) 10-11 and 13 is/are rejected.
- 7) Claim(s) 12,14 and 15 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima (EP 0544943 A1). Kawashima discloses a cooling device comprising a cooling chamber/vessel 1 adapted to contain a cooling agent 6/5; a g agent storage 16/17 in fluid communication with the cooling chamber 1, the cooling agent storage being adapted to take up cooling agent from the cooling chamber 1 when at least a part of the cooling agent in the cooling chamber 1 exceeds a first predetermined temperature, and to return cooling agent to cool the cooling chamber 1 when at least a part of the cooling agent in the cooling chamber remains below or is equal to a second predetermined temperature. Regarding superconducting coil, the coil is intended to be cooled by the above cooling process. See Fig. 1-2, column 1, line 30 to column 7, line 10.

Allowable Subject Matter

Claims 12, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-9 are allowed.

Response to Arguments

Applicant's arguments filed 04/23/07 have been fully considered but they are not persuasive. The applicant argued, "There is no teaching or suggestion in EP 0544943 for taking up coolant from a cooling chamber when a coolant temperature exceeds a first predetermined temperature. Moreover, EP 0544943 fails to teach or suggest returning coolant to a cooling chamber when the coolant temperature remains below or is equal to a second predetermined temperature". The examiner disagrees. It is a principle of thermodynamics that pressure and temperature is directly related. To every pressure there is a corresponding temperature. If a pressure is high the corresponding temperature is also high and vice versa. It is appreciated that the applicant finds, "Rather, the system of EP 0544943, appears to control the on-off valve V1 and the flow control valve V2 according to sensed pressure. For releasing gas from the container 2, the processing circuit 27 in Fig. 1 of EP 0544943 controls the operation of the on-off valve Vt and the flow control valve V2 according to the flow chart in Fig. 2 of the reference, wherein V1 is opened with V2 closed to allow discharge of gas from the container 2 to the atmosphere or into the buffer tank 16 when the gas pressure P in the gas phase 6 is higher than a predetermined positive first pressure value P1. (SEE EP 0544943 Figs. 1 and 2; col. 1, lines 51-54; col. 2, lines 12-19; col. 3, lines 5-12; col. 5, lines 27-41). Conversely, to provide additional coolant to the container 2, the processing circuit 27 in Fig. 1 of EP 0544943 closes V1 and opens V2 when the sensed gas pressure P falls below a second pressure value, i.e., when the absolute value of the negative pressure exceeds a second pressure value P2. (col. 2, lines 31-39; col. 3, lines

14-20; col. 5, lines 42-54). Both valves V1 and V2 are closed for sensed pressures between these values where the pressure P is between -P2 and P I (Fig. 2, col. 6, lines 10-17)." Therefore, the Applicant is requested to consider a temperature for the corresponding high and low pressure as mentioned above to find the required answer to the argument and to understand how the prior art anticipates the claimed invention. Therefore, the rejections are proper. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad M. Ali whose telephone number is 571-272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MOHAMMAD M. ALI
PRIMARY EXAMINER